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Attorney for Timothy Gaines

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY GAINES.

Defendant.

3:20-CR-00261-SI

DECLARATION IN SUPPORT  
OF MOTION TO CONTINUE  
TRIAL DATE

1. Mr. Gaines was indicted on July 23, 2020 for Interference with Commerce by Robbery under the Hobbes Act, 18 U.S.C. § 1951(a). I was appointed to represent him on August 26, 2020. On October 20, 2020, the Government issued a superseding indictment, adding a count of Use and Carry of a Firearm During a Crime of Violence under 18 U.S.C. § 924(c).

2. The Government alleges that, on the evening of December 20, 2019, Mr. Gaines and an accomplice robbed a marijuana dispensary while brandishing a firearm.

3. A three-day trial is currently scheduled for March 30, 2021.

4. The parties are working collaboratively to complete the production of rule 16 discovery. That process is ongoing, and the defense needs additional time to complete expert discovery and pre-trial investigation.

5. Recently, on February 22, 2021, I received the mirror images of two cell phone

hard drives. That evidence is under review by a forensic expert.

6. I am awaiting evidence from the Oregon State Crime Lab, which will also be reviewed by an expert.

7. AUSA Bolstad and I have conferred about discovery and my request that the trial date be continued for 90 days. She has no objection.

8. I have discussed the requested continuance with my client Mr. Gaines, who is detained at FDC Sheridan. He consents to the continuance and understands it would result in excludable delay under the Speedy Trial Act.

9. Therefore, I respectfully request that the Court continue the trial date for 90 days or a date thereafter, convenient for the Court.

I declare under penalty of perjury that the forgoing is correct to the best of my knowledge and belief.

DATED this 11<sup>th</sup> day of March, 2021.

Respectfully submitted,

/S/ Tiffany Harris

Tiffany A. Harris Attorney for Defendant  
Timothy Gaines